

Testimony of Dave Forth
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representing Dave Forth

Senator Dorgan, members of the hearing panel:

I failed to break out of a restricted part of English society despite what was thought, 60 years ago, to be enough help. Consequently I have something to add to the discussion that may not be apparent to people intimately affected by current suicide among the young.

From my own youth I remember both a natural wish to help and feelings of an unlimited ability to work wonders that were quickly shattered by a short spell in government and commercial employment. I think this kind of experience is the fate of very many of us.

Without a pertinent message of hope and purpose, the best-intentioned assistance programs are crippled at the start. Instead of having real leadership working to help us all move forward together we live among nations, businesses, governments and movements willing to lie, steal, brutalize, and kill so that the richest among us can go on getting richer.

We need, more than anything, some new heroes. It won't take many, just a few to show that by working for all, by sharing and forgiving, by valuing the dignity of each and everyone of us, we can all be included.

Strident voices get attention whatever message they cry. The change will come not from the ideology and the preaching. It comes from the things we do, the examples we set and, if we dare to say the word, the love we share as we move along.

Attached to these notes are some previous words of mine that illustrate some of the dreadful federal government negatives we face. The examples were chosen for this meeting but the same need is everywhere. This is the load we must set aside. Congress might consider where we will find our new heroes.

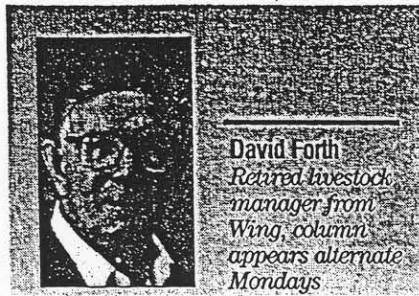
December 2000

Pardoning Peltier would hardly

I'm not sure how big the movement may be that is trying to persuade President Clinton to pardon Leonard Peltier, but it must be considerable. John Lindgren gave a fine outline of the legal questions on Public Radio recently. National and international organizations of several kinds are known to be active. This is my two cents worth.

Leonard Peltier was convicted by a Fargo court of the murder of two FBI agents during a gun battle at Wounded Knee, S.D., almost 30 years ago. He has served considerable time and been denied parole on several occasions. The FBI, presumably with other federal backing, bitterly opposes his release. The case has drawn worldwide attention from civil-rights supporters of all kinds. Their contentions largely are based on critical reviews of the methods used to secure the conviction of Peltier after two others were found not guilty of the same crime at an earlier trial.

Surely there are few people who do not know that law enforcement agencies everywhere work with the inten-



tion of being right. I was a very small boy in England when I learned that universal truth and have found no reason to doubt its correctness in Canada, where I lived for 12 years, nor in this country to which I pledged allegiance in 1972, eight years after coming here to work.

Most of us have a lot of respect for law enforcement people, and especially sympathize with families and individuals when death or injury occurs on duty. We feel the same way about the military and a few other public service groups. There are also many Americans

who are disturbed when government action against members of society becomes too aggressive and too violent.

It is not easy to say at what point such feelings of distaste for government excess start to change into either anger or fear. There is no way to know for what reason some people will demonstrate and march and noisily complain. Neither can we predict when similar unease will prompt others to the accumulation of guns and the building of bombs. Some of us, of course, will settle for just writing to the newspaper.

I've met one or two people who believe that the law is the law and that anyone who disobeys should have his head blown off. There were some past generations of North Dakota sheriffs who felt that way. Congressmen like Bob Barr and Tom DeLay talk as though they believe it is a good idea. The notion is still with us even though I believe most people in this country and the rest of the civilized world think differently.

We may not all agree about each

lessen might of U.S.

incident, but most of us have a point where we say "enough is enough." It may be Ruby Ridge or Medina. It may have to do with police action against prisoners or demonstrators. It may be the enforcement of drug laws or accusations of careless handling of information.

To reach a point of disagreement with official enforcement is not the same thing as plotting to overthrow the government. It does not necessarily indicate agreement with the ideas of those whose treatment causes the concern. It comes only from the unease that most of us feel at some point, when authority goes too far.

For many of us the second battle of Wounded Knee is one of those matters where the legal technicalities, whatever they may be, are less compelling than the feeling that the awful power of this country was used in a way that causes widespread distaste. The pardoning of Peltier would be a gesture from the president indicating that authority recognizes that it is not omnipotent.

It is, I think, equally important to

this matter, to remember that Peltier was an active leader of the American Indian Movement engaged in the promotion of Indian rights. The gains made by other minority groups under the banner of civil rights in the '60s and '70s inspired new hope among native people. Peltier led one of the groups, hoping to free the reservations from the morass of poverty and disease that had, for more than a century, overwhelmed the chance for decent living.

Peltier's story reminds me of tales of other leaders from long ago and far away. He was drawn to places and journeys where others before him had served the same cause. I would not be at all surprised to learn that he felt a bond tying his work to that of the heroes from his people's past.

I do know that, like other sites of enormous historical significance, Wounded Knee is a place of overwhelming sadness.

In this larger context of centuries of persecution, how could the might of the United States be lessened by the pardoning of Leonard Peltier?

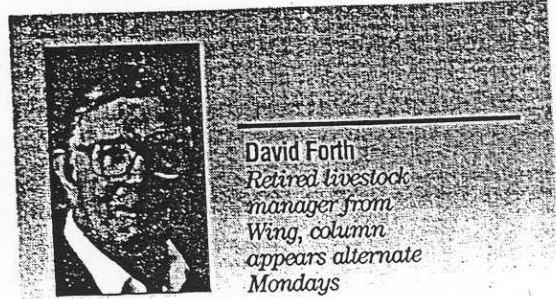
February 2000

Treatment of minorities

Recently ABC News reported some interesting comments on the June 1999 death of Robert Many Horses of Mobridge, S.D. We all surely remember that the 22-year-old, born with fetal alcohol syndrome, died in a trash can in an alley in his home town after a drinking party. Four people, charged by South Dakota authorities, were exonerated because "autopsy showed death by alcohol poisoning." Federal charges, brought under less well understood hate crime proceedings, were also dropped.

What I have to say is not just another knee-jerk reaction to one more American Indian story, as was suggested by an angry letter writer who responded to an earlier column. I admit to bias and anger. After all, if we are going to respect ourselves and each other, how could anyone fail to be outraged by the actions of Many Horses' acquaintances no matter how drunk they were? Equally alarming is the absolutely predictable result of the handling of the affair by the official legal system. I say "predictable" with reference to the treatment of minorities by substantial parts of the American system almost from day one.

ABC News Correspondent Lynn Sherr gathered comments in June that were aired Sept. 22. The events happened between June 30, 1999, when Many Horses' body was found, and September



1999 when charges against four teen-agers were dropped because "there was insufficient evidence." From Mobridge, the Walworth County state's attorney filed his case with the circuit court in Selby, the county seat. From Selby the case passed to the court headquarters in Aberdeen and was assigned to Judge Tony Portra, also in Aberdeen. This type of court is described in an Associated Press handbook as usually dealing with small claims and the acceptance of guilty pleas in minor affairs.

The script of the ABC piece included a quote from a Walworth county commissioner, Mary Hollenbeck. My guess is that these words were included to represent what Sherr saw as a widely

too often predictable

held community rationalization: "It was a pretty tasteless joke that had a devastating, dire end to it."

No doubt it was a joke to the youngsters who dropped their drinking buddy into a trash can. They said they expected to find him alive and well in the morning. They found themselves facing charges of manslaughter and other minor offenses. South Dakota put the case on the fastest track ever. Portra dismissed the charges less than three months after the event.

It was left to a national news organization to dig for details and bring the case back to public attention. ABC shared that information with Walworth County State's Attorney Dan Todd in June 2000. He is reported to have expressed interest at the time. Last week, after the recent broadcast, he told a reporter from the American News, a Knight-Ridder paper in Aberdeen: "I do not feel like I am rushed for time."

Is this a story that should make us all angry? Yes, it certainly is, and here's why. Change this story in one small way and see what a difference it makes. This is the story of a boy, born with fetal alcohol syndrome, raised by a foster mother until he was 22 years old. He was dumped in a trash can and left to die. The system that brought charges had them swept under the rug in record

time.

Now suppose another body is found in a trash can in a similar alley, another boy born with fetal alcohol syndrome. This time he is not 22 years old, only 22 hours. Imagine for yourself how these attorneys and judges and community leaders will act.

How quickly will they condemn and incarcerate a mother and perhaps even a father, already devastated by addiction and overwhelmed by a hopeless situation? How many hours and dollars will a community be willing to spend to bring such unfortunates to "justice?"

We are all part of that system. I was called for jury duty in Bismarck the other winter. Involved were a American Indian man, violence, and alcohol. Judge Patrick Conny processed possible jurors. "Ah, yes, Mr. Forth, I read your column all the time," and so on.

I did not pay too much attention to the answers to his questions until the process was almost done. Then I began to see how we had been weeded out. I left with an impression that those of us with experience that might have suggested any kind of sympathy for the defendant were eliminated.

Perhaps I misjudged, but the court expected to deal with that serious matter in a day and a half.

Indians, whites must aspire from our common humanity

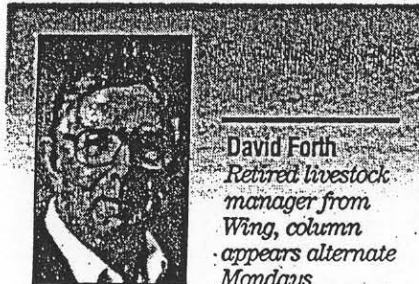
When historians look back at the late '90s, they will find that Americans owe much to the Clintons. The first family has turned away every attack from rich conservatives who think that they, alone, have any right to govern this country. I hope the president's visit to Pine Ridge will be remembered as another vital link in the battle for real equality.

I've really talked with very few Native Americans. I remember one in Brandon who had a sense of humor. Another I saw make more hay bales with an oil can and an emery cloth than most men could with a whole shop behind them. I met some working with youth alcohol programs. However:

In 1993, I took my English niece first to the Whitestone Battlefield and then through the Black Hills to Pine Ridge. I still think that Wounded Knee is the saddest place I have been. It is hard to say why I feel this way, but the impression remains.

Before that day, I had felt the same way about a place in England. Fifty years ago, Stainmore was isolated, as well as wind-blown and desolate. High on the moor is a stone cross marking the grave of Eric Bloodaxe, who died there in 954. Eric was a Scandinavian, the last Viking king at York and the last man to lead northeastern England as a separate unit. It is likely that he was of the old religion, and believed in Odin and the rewards of Valhalla.

Now, more than a thousand years later, there are still traces of that ancient kingdom of Northumbria. The independent spirit of the people, their disdain for the softness of "southern England," the economic hardship brought on by slowly changing social ideas, as much as by isolation, are as real today as



ever. All that remains of Eric Bloodaxe, for most of us, is a lonely stone on a windy hill and an immense sadness over lost dreams and forgotten heroes.

I felt some of that same sadness at Wounded Knee. We had come through the town of Pine Ridge on a hot, dusty afternoon and seen signs of poverty as bad as anything I remembered from my boyhood in northeast England in the thirties. At Wounded Knee, people were heading toward a drumbeat in a central building, and we rested for a while beside a sign. It was, like others in the area, marked by graffiti that cried out for change.

The wide sweep of sky, the hush of wind through short grass and clouds on the horizon took me back to northern England's Pennine hills and the ending of another culture that died beside the grave of Eric Bloodaxe 1,000 years ago.

It's not that we need to get involved. Anyone living in the northern plains is involved. My own interest, as a newcomer, was first stirred by listening to my oldest daughter, Susan, talk about being impressed by the Peltiers, Russell Means and others of the American Indian Movement she had met between the second battle of Wounded Knee and the conviction of Leonard Peltier.

We are all involved, whatever the color of our skin. The question is, will our involvement be for the better or for the worse? Will Native Americans take a meaningful place in the wider society? Are they willing? And will the wider society permit the change?

What message did Clinton leave at Pine Ridge? How will the different groups remember his visit? His "aid" package was nothing more than the exactly similar deal offered to all Dakota residents following the declaration of "disaster" areas. Loan programs and mortgage developments help only people who are well on the way to getting out of real poverty. What will make economic development flow into the reservations any better than it has come to Sheridan County or, for that matter, to rural Burleigh?

Change will come only from individuals. What matters is how we look at one another and how we speak together. What matters is more important than our appearance or our gods. What matters is our common humanity.

One thing I am sure would help is a good history of white-Indian differences. We need an unbiased story that includes the wise Indians like Little Crow and Spotted Tail as well as the brave ones like Crazy Horse. We need to know about promises broken and treaties not ratified by Congress. We need to know about money stolen by agents and fur traders, and we need to know where the money goes today.

There is enough blame to go around many times. Betterment will come only when the wisdom from the past helps us to take risks today so that we can all move forward.

July 1999